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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,801	03/18/2004	Toshiaki Nakahira	250466US2	5103
22850 7590 05/30/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER HANNETT, JAMES M	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 05/30/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/802,801	<b>Applicant(s)</b> NAKAHIRA, TOSHIAKI	
	<b>Examiner</b> James M. Hannett	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-7 is/are rejected.
- 7) ☒ Claim(s) 2,3 and 8-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/3/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Information Disclosure Statement*

The information disclosure statement (IDS) submitted on 8/3/2004 has been considered by the examiner.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**1:** Claims 1 and 4-7 rejected under 35 U.S.C. 102(e) as being anticipated by USPN

6,801,250 Miyashita.

**2:** As for Claim 1, Miyashita teaches on Column 5, Lines 3-64 and depicts in Figures (1 and 4) A digital still camera comprising an image pickup device (14) for photographing a subject, and an image processor (19) adapted to drive and control the image pickup device (14), to process photographic signals outputted from the image pickup device (14) and to record the processed images in a recorder (35), said image processor (19) comprising digitally zooming unit (Column 2, Lines 43-46) for selected a part of a photographic image plane photographed by the image pickup device (14) and digitally zooming said part of the image, said image pickup device (14) possessing two or more driving modes having respectively different numbers of pixels to be read out from the image pickup device (Figures 4A-4C and Column 7, Lines 20-44), said digital still camera enabling at least either one of monitoring in which restricted pixels are read out from

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the image pickup device (14) and moving image recording, wherein a driving mode of the image pickup device is so selected as to maintain a resolution obtainable at the number of pixels in monitoring or that in recording moving images. Miyashita teaches both outputs are created to be an NTSC output.

3: In regards to Claim 4, Miyashita teaches on Column 7, Lines 45-54 and Column 6, Lines 13-30 which comprises a clock pulse generator (25 and 26) for generating clock pulses to drive said image pickup device (14) and wherein when the driving mode of the image pickup device is changed, a frequency of the clock pulses is changed in such a manner that a renewal rate of the image planes may be kept at a given value.

4: As for Claim 5, Miyashita teaches on Column 7, Lines 45-54 and depicts in Figure 5A wherein the frequency of said clock pulses is changed only when the moving image recording is performed.

5: In regards to Claim 6, Miyashita teaches on Column 12, Lines 12-36 and Column 9, Lines 20-43 and depicts in Figure 7 wherein a level of photographic signals (Resolution) outputted from said image pickup device (14) is made constant by changing the number of shuttering times (d) of an electronic shutter in conformity with the frequency of the clock pulses.

6: As for Claim 7, Miyashita teaches on Column 7, Lines 45-54 wherein aid clock pulses are horizontally synchronizing signals.

***Allowable Subject Matter***

7: Claims 2, 3 and 8-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 5,428,390 Cooper et al teaches the use of a focal plane zoom camera system; USPN 5,966,171 Hieda teaches the use of a camera with a digital zoom; USPN 6,509,927 Prater et al teaches the use of a programmable image sensor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hannett whose telephone number is 571-272-7309. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett  
Examiner  
Art Unit 2622



JMH  
May 24, 2007